REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 1-9, 11-18, 20-23, and 25 are pending. Claims 1 and 3 are amended to further clarify the features contained therein. No new matter is introduced.

In the outstanding Office Action, Claim 1 was rejected under 35 U.S.C. § 112, second paragraph; Claims 1-9 and 11-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustafsson (U.S. Patent No. 6,424,841) in view of Maffeis (U.S. Patent No. 6,877,023); Claims 20-23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gustafsson and Maffeis in further view of De Mendonca (U.S. Patent Application Publication No. 2004/0172453).

Initially, Claim 1 is amended in conformance with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, it is respectfully requested that the rejection of Claim 1 under 35 U.S.C. § 112, second paragraph be withdrawn.

In reply to the rejection of Claims 1-9 and 11-18 as being unpatentable over Gustafsson in view of Maffeis, Claim 1 is amended to recite, *inter alia*, a data access, replication or communications system that includes a terminal-side packet-queuing executable and a server-side packet-queuing executable where:

> ...a sending one of the terminal-side packet-queuing executable and the server-side packet-queuing executable transmits a next packet of the message over a radio network using a session-independent transport layer protocol upon acknowledgement of receipt of a previously transmitted packet of the message by a receiving one of the terminal-side packet-queuing executable and the server-side packet queuing executable.

Thus, amended Claim 1 defines a system wherein a sending executable sends a next package of the message upon acknowledgement of receipt of a previously transmitted

package by a receiving executable. It is believed that no applied reference discloses or suggests this feature.

Gustafsson generally describes incorporating return information in acknowledgement messages between wireless client devices to more efficiently utilize available transmission bandwidth.[1] More specifically, Gustafsson describes that a mobile device (32) communicates with a short message service center (SMSC) (18) through a wireless communication channel in order to send SMS messages to a remote device.[2] In operation, Gustafsson describes that when a message is received at the SMSC (34), the message is acknowledged with an acknowledgement message.[3] A message send manager (52) within the SMSC (34) determines whether any messages directed to the mobile device (32) are queued in the SMSC (34), and inserts any queued messages into the acknowledgement message being transmitted to the mobile device (32).[4]

However, Gustafsson does not describe that the mobile device (32) awaits the acknowledgement message before transmitting additional messages to the SMSC (34). Instead, Gustafsson merely describes exploiting typically unused user data sections in SMS acknowledgments to send any messages awaiting transmission.[5] Gustafsson nowhere, however, describes that the sending of another message from the mobile device (32) is dependent upon acknowledgement of its previously sent message to the SMSC (32) or that transmission of another queued message from the SMSC (32) depends upon acknowledgement of a previously sent queued message. Conversely, amended Claim 1 recites that a sending one of the terminal-side packet-queuing executable and the server-side packet-queuing executable transmits a next packet of the message over a radio network using

[1] Gustafsson at column 2, lines 55-61.
[2] Gustafsson at column 6, line 50 to column 7, line 26; see also Figures 1A, 1B.
[3] Gustafsson at column 7, lines 27-28.
[4] Gustafsson at column 7, lines 25-40.
[5] Gustafsson at column 7, lines 25-40 and Gustafsson at column 14, lines 35-40.

a session-independent transport layer protocol *upon acknowledgement of receipt of a previously transmitted packet of the message by a receiving one of the terminal-side packet-queuing executable and the server-side packet-queuing executable.* Therefore, Gustafsson fails to disclose packet transmission as recited in amended Claim 1, and Maffeis does not cure this deficiency in Gustafsson. As such, no combination of Gustafsson and Maffeis describes every feature recited in amended Claim 1, and amended Claim 1 is believed to be in condition for allowance together with any claim depending therefrom. Accordingly, it is respectfully requested that the rejection of Claims 1-9 and 11-18 under 35 U.S.C. § 103(a) be withdrawn.

As all other rejections of record rely upon Gustafsson for describing the above-distinguished features, and the above-distinguished features are not disclosed or suggested by Gustafsson, alone or in combination with any other art of record, it is believed that a *prima facie* case of obviousness cannot be maintained. Accordingly, it is respectfully requested that the rejection of Claims 20-23 and 25 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-9, 11-18, 20-23, and 25 is earnestly solicited.

Respectfully submitted,

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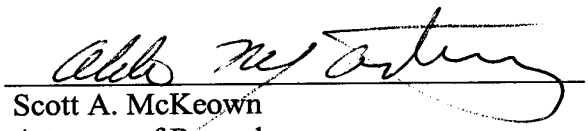

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